

## REMARKS

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-22 and 39-40 are pending in this application. No claims have been amended, added or cancelled.

### **I. §103(a) Rejection – Combination of Van Oort and Tang**

Claims 1, 7-11, 14, 19-21 and 39-40 are rejected under §103(a) as being obvious over Van Oort in view of Tang. This rejection is respectfully traversed.

#### **A. No Motivation To Combine**

Van Oort teaches a magnet for an MRI system. The disclosure of Van Oort focuses on the shim assembly for the pole piece of the magnet. However, Van Oort does not describe how the magnet is mounted to its support, such as a floor, platform or table. Furthermore, Van Oort does not describe any issues relating to MRI vibration or vibration isolation.

Tang teaches a resilient compressor mount apparatus (see title of Tang patent). The resilient mount 30 is used to isolate the vibrating compressor from the equipment to which the compressor is connected (col. 1, lines 11-15). The mount is also used to reduce the vibration noise (col. 1, lines 20-23 and 43-46). The vibrating compressor 10 is used in air conditioning and heat pump systems (col. 4, lines 58-60).

There is no motivation to combine Van Oort and Tang. There is no teaching in Van Oort or Tang that an MRI magnet should be vibrationally isolated from other components or that an MRI magnet should be mounted on resilient mounts to reduce noise generated by the magnet. Neither Van Oort nor Tang teach that an MRI magnet causes vibration problems for other equipment or generates too much noise. One of ordinary skill in the art would not be

motivated to add resilient mounts from an air conditioning or heat pump compressor to a sophisticated medical device such as an MRI system.

The office action states that the motivation to combine Van Oort and Tang is to reduce the vibration of the MRI magnet of Van Oort and to isolate it from the floor structure. However, neither Van Oort nor Tang teach that vibrations need to be reduced in an MRI magnet or that an MRI magnet has to be isolated from the floor. Furthermore, neither Van Oort nor Tang teach that placing an MRI magnet on resilient mounts of Tang would allow the MRI system to operate properly. Prior to the filing of the present application, one of ordinary skill in the art may have considered that allowing the MRI system to be non-rigidly mounted on resilient mounts of Tang may degrade the MRI image quality due to the potential movement of the MRI magnet. Thus one of ordinary skill in the art may consider rigidly mounting the MRI magnet to the floor.

**B. Footprint and Retrofit**

The last paragraph on Page 3 of the Office Action states that the claimed footprint of the isolation system is a matter of obvious design consideration. Applicants respectfully disagree.

MPEP 2144.04 states that "... matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.". However, it further states that obvious design considerations cannot be used as motivation to modify the references where the change in shape "...results in a product which is distinct from the reference product..."

In this case, the claimed footprint is not simply an ornamental feature. It has the mechanical function of supporting the MRI magnet system. The footprint results in a distinct product because the vibration isolation system does not stick out laterally from the MRI magnet system and does not interfere with patient access to the MRI magnet system. Thus, "obvious design consideration" is not a proper motivation to modify the references in the

present case. There is also no motivation in Tang to place the mounts inside the device footprint to save space. In contrast, Figure 1 of Tang shows that the mounts 30 are located outside of the footprint of the compressor 10.

The last paragraph on Page 3 of the Office Action also states that the claimed retrofit would reduce space usage and costs. However, there is no teaching or suggestion in the applied prior art to retrofit an existing MRI magnet system with a vibration isolation system. Thus, the motivation to combine provided in the Office Action is not proper.

**C. §103(a) Rejection – Van Oort and Tang in view of Ohsaki et al.**

Claims 2-4, 12-13, 15-17 and 22 are rejected under §103(a) over Van Oort and Tang in view of Ohsaki et al. (US 6,202,492).

Ohsaki is directed to a photolithography exposure apparatus. Ohsaki provides no motivation for providing a vibration isolation system for a MRI system, such as the system of Van Oort. Thus, there is no motivation to combine Van Oort and Ohsaki.

Furthermore, claims 2-4, 12-13, 15-17 and 22 are rejected over Van Oort, which teaches an MRI system, in view of Tang which teaches a compressor, and in view of Ohsaki, which teaches an exposure apparatus. Applicants submit that this combination is based on an improper hindsight reconstruction gained solely from the applicants' disclosure. One of ordinary skill in the art would not be motivated to combine these three unrelated references from different fields of endeavor without relying on the knowledge gained from the applicants' disclosure. See MPEP 2145(X)A. Therefore, the rejection is respectfully traversed.

**D. §103(a) Rejection – Van Oort and Tang in view of Braun et al.**

Claims 5-6 and 18 are rejected under §103(a) over Van Oort and Tang in view of Braun et al. (US 4,781,363).

Braun is directed to a vibration isolation system that is used in engines, compressors, pumps and helicopters (col. 1, lines 14-20). Braun provides no motivation for providing a vibration isolation system for a MRI system, such as the system of Van Oort. Thus, there is no motivation to combine Van Oort and Braun.

Applicants further submit that this combination is also based on an improper hindsight reconstruction gained solely from the applicants' disclosure. One of ordinary skill in the art would not be motivated to combine these three unrelated references from different fields of endeavor without relying on the knowledge gained from the applicants' disclosure. See MPEP 2145(X)A. Therefore, the rejection is respectfully traversed.

### III. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By 

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.